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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,895	08/27/2002	David Wolff	DSC-02002	7973
31661	7590	01/29/2004	EXAMINER	
PROTON ENERGY SYSTEM 10 TECHNOLOGY DRIVE WALLINGFORD, CT 06492			NGUYEN, HOANG M	
		ART UNIT	PAPER NUMBER	
		3748		

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

h.c

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/064,895	WOLFF ET AL.
	Examiner Hoang M Nguyen	Art Unit 3748

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 December 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-38 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

Applicant's amendment dated December 23, 2003, has been fully considered.

Applicant has argued that Stoltz et al does not teach the concept of vaporize the hydrogen in a stored reservoir. The Examiner agrees. However, a new ground of rejection has been made based on newly discovered references from further search.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 10, 11, 25, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 4910963 (Vanzo).

Vanzo discloses a gas turbine 13 comprising a tank contains liquid hydrogen (26D, said fluid being vaporized by vaporizer 46 (either the vaporizer 46 or tank 26D can be considered as storage tank as claimed) through line 64 to flow into another storage tank (boiler 30), said stored hydrogen in boiler 30 is then discharged through line 42 to drive a turbine 13 to generate electricity by an electrical generator 34.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 12, 26, 27, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4910963 (Vanzo) in view of U.S. 5375580 (Stolz et al). Vanzo discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose an internal combustion engine, and the concept of using waste heat of the engine to drive alternator. STolz et al is relied upon to disclose an internal combustion engine can be used in a system. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use internal combustion engine in the system of Vanzo as taught by STolz et al for the purpose of achieving appropriate power output.

Claims 3, 5-6, 14-15, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4910963 (Vanzo) in view of U.S. 6543229 (Johansson). Vanzo discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose a Stirling engine, and the concept of using waste heat of the engine to drive alternator. Johansson is relied upon to disclose a STirling engine can be used in a system and the concept of using waste heat of the Stirling engine for driving an alternator. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use Stirling engine in the system of Vanzo, and to use the waste heat to drive an alternator as taught by Johansson for the purpose of obtaining more work from the waste heat and because using the Stirling engine is well known and is functionally equivalent with other gas turbine engine.

Claims 7-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4910963 (Vanzo). Vanzo discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose the specific flow rate as claimed in claims 7-9. However, it would have been a matter of design choice for a person having ordinary skill in the art to provide different flow rate in the engine of Vanzo for the purpose of achieving appropriate work outputs depending on the flow rates.

Claims 16-17, 22, 29, 36, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4910963 (Vanzo) in view of U.S. 4253428 (Billings et al). Vanzo discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose a pressure relief valve. Billings et al is relied upon to disclose a pressure relief valve 62 being used with hydrogen tank 66, 70. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use pressure relief valves in the system of Vanzo, as taught by Billings et al for the purpose of more effectively controlling the pressure of the hydrogen tank.

Claims 18-19, 30-31, 37-38, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4910963 (Vanzo) in view of U.S. 4253428 (Billings et al) and further in view of U.S. 5375580 (Stolz et al). Vanzo as modified by Billings et al discloses all the claimed subject matter as set forth above in the rejection of claim 16, but does not disclose an internal combustion engine, and the concept of using waste heat of the engine to drive alternator. STolz et al is relied upon to disclose an internal combustion engine can be used in a system. It would

have been obvious at the time the invention was made to a person having ordinary skill in the art to use internal combustion engine in the system of Vanzo as taught by STolz et al for the purpose of achieving appropriate power output.

Claims 20-21, 28, , are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4910963 (Vanzo) in view of U.S. 4253428 (Billings et al) and further in view of U.S. 6543229 (Johansson). Vanzo as modified by Billings et al discloses all the claimed subject matter as set forth above in the rejection of claim 16, but does not disclose a Stirling engine, and the concept of using waste heat of the engine to drive alternator. Johansson is relied upon to disclose a STirling engine can be used in a system and the concept of using waste heat of the Stirling engine for driving an alternator. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use Stirling engine in the system of Vanzo, and to use the waste heat to drive an alternator as taught by Johansson for the purpose of obtaining more work from the waste heat and because using the Stirling engine is well known and is functionally equivalent with other gas turbine engine.

Claims 23-24, 32-25, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4910963 (Vanzo) in view of U.S. 4253428 (Billings et al) and further in view of U.S. 5003772 (Huber). Vanzo as modified by Billings et al discloses all the claimed subject matter as set forth above in the rejection of claim 16, but does not disclose a Stirling engine, and the concept of using a pump for pumping hydrogen. Huber is relied upon to disclose a system for using a pump 20 for pumping hydrogen from tank 14 to drive a turbine 24. It would have been

obvious at the time the invention was made to a person having ordinary skill in the art to use a pump in the system of Vanzo as taught by Huber for the purpose of more effectively moving the fluid out of the tank.

Claim 33 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4910963 (Vanzo) in view of U.S. 4253428 (Billings et al) and Huber, and further in view of U.S. 5375580 (Stolz et al). Vanzo as modified by Billings et al and Huber discloses all the claimed subject matter as set forth above in the rejection of claim 16, but does not disclose an internal combustion engine, and the concept of using waste heat of the engine to drive alternator. STolz et al is relied upon to disclose an internal combustion engine can be used in a system. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use internal combustion engine in the system of Vanzo as taught by STolz et al for the purpose of achieving appropriate power output.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (703) 308-3477. The examiner can normally be reached on Monday--Thursday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion, can be reached on (703)-308-2623. The fax phone number for the Examiner is (703) 872-9302 for regular communication, and (703) 872-9303 for after final communication.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861.

A handwritten signature consisting of stylized initials "H" and "N" followed by the date "01/25/04".

HOANG NGUYEN  
PRIMARY EXAMINER  
ART UNIT 3748

Hoang Minh Nguyen  
1/23/04